IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 831 OF 2006

Yoag Advertisers ... Petitioner

Versus

Municipal Corporation of Greater Mumbai and Ors. ... Respondents

ALONG WITH

WRIT PETITION (L) NO. 832 OF 2006

Mass Holding Pvt. Ltd. ... Petitioner

Versus

Municipal Corportion of Greater Mumbai and Ors. ... Respondents

Mr. M.M. Vashi for Petitioners.

Mrs. P.A. Purandhare for Respondents.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATED : APRIL 03, 2006

P.C.

. The matters not on board. With the consent of the parties, taken up on Board and heard forthwith.

. The Petitioner had earlier approached this court as against notice issued for demolition of the hoardings. That Petition came to be dismissed. The Petitioenr aggrieved, preferred S.L.P. which

came to be disposed of by issuing the following directions :

> "In the circumstances aforesaid, the appeals are dismissed and the interim order is vacated. However, the appellant is given the liberty to demolish the hoardings itself within a period of 10 days from today. If it fails to do so, it will be open to the respondents to take steps pursuant to the impugned notice. No order as to costs. "

. It appears that thereafter the Petitioners once again moved the Apex Court and an order came to be passed on the same day on the statement made by the counsel for the Petitioners before the Apex Court that they had approached MHCC (Heritage Committee) and that the MHCC has agreed to consider the representation to obtain no objection to their hoardings. In the circumstances, the Apex Court Stated that, that being so, the operation of the order will remain stayed untill MHCC takes a decision. The MHCC has thereafter taken a decision

and rejected the representation made by the Petitioners.

. The learned counsel for the Petitioners submits that the MHCC in respect of other hoardings in Mahalaxmi precincts has permitted the same but on similar situation rejected the case of the Petitioners on the ground that they were within the R.G. area. This it is submitted has come up for the first time.

. Considering the order of the Apex Court, it is not for us to go behind the order as the Petitions stand concluded by that judgement. If they have any other grievances, it is open to them to take such steps in law to which they are entitled to.

. In similar situations, as hoardings has been held to be a building within the definition of Regulations, it was pointed out to us that the D.C. 67 permits representation to the Commissioner. In these circumstances, we have permitted the Petitioners therein to make representation to the Municipal Commissioner and or the competent

authority. In the light of that present petition can be disposed of by issuing the similar directions.

. It will be open to the Petitioners to represent to Municipal Commissioner and it is for the Municipal Commissioner to consider the same and dispose of the same according to law. With the above observations, both the Petitions stand disposed of.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)